IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 5TH JANUARY 2007 / 15TH POUSHA, 1928

Bail Appl..No. 7700 of 2006(S)

AGAINST THE ORDER DATED 27/06/2005 IN ORDER IN CRMP.1732/2005 of SESSIONS COURT, ALAPPUZHA

.....

PETITIONER/ACCUSED

SHIBU, S/O.VISWAMBHARAN,
ATTICHIRA HOUSE, KIDANGARA MURI,
VELIYANADU VILLAGE, KUTTANAD TALUK.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - -

BAIL APPLICATION NO.7700 OF 2006

- - - - - - - - - ---------- - - - - -

DATED THIS THE 5th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the accused in C.R.No.27/04 of Kuttannad Excise Range for offences punishable under sections 55(a) and 55(i) of the Abkari Act for allegedly having been found in possession of 4.5 litres of spirit and a glass tumbler presumably intended for retail sale of spirit on 19.8.2004, seeks anticipatory bail. Two of his earlier applications for anticipatory bail were dismissed by the Sessions Court, Alappuzha. It is thereafter that the petitioner has approached this court for anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. It is too early to conclude that the petitioner is not guilty of the offences alleged against him. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn